IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8737 OF 2006

Rampally Rajaram Narayana. ...Petitioner.
Vs.
Special Recovery Officer,
Abhyudaya Bank. ...Respondent.

....

Mr. S.K. Keswani for the Petitioner.
None for the Respondents.

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CORAM :DR.D.Y.CHANDRACHUD, J.
July 4, 2007.

P.C.:

The Petitioner is one of the guarantors to a loan facility granted by the Abhyudaya Co-operative Bank Ltd. An award has been passed by the Co-operative Court on 18th December 2003 making the principal borrower and the guarantors jointly and severally liable in the amount of Rs.3,76,307/- together with interest at the rate of 15% per annum from 1st October 1999. The Special Recovery Officer in his affidavit in reply has, while adverting to the facts, stated that an execution certificate was obtained and that in pursuance of the provisions of Rule 107 of the Maharashtra Co-operative Societies' Rules, 1961, read with Section 60 of the Code of Civil Procedure,

1908, a total amount of Rs.22,400/- has been received from the salary of the Petitioner which was attached in execution of the decree. The Bank has attached 24 months' salary towards the execution of the loan dues. In these circumstances there is no merit in the grievance of the Petitioner that the attachment has been in excess of 24 months as stated in para 11 of the Writ Petition. There is no merit in the petition which is accordingly dismissed. ....